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7
8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
11 TRUST FUND, et al.,

12 Plaintiffs,

13 v.

14 PHILLIP A. YANEZ, Individually and dba
KARPET-CARVERS,

15 Defendant.
16

Case No.: C08-5178 CRB

NOTICE OF VOLUNTARY DISMISSAL

17
18 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), Plaintiffs DISTRICT
19 COUNCIL 16 NORTHERN CALIFORNIA HEALTH AND WELFARE TRUST FUND, et al.,
20 voluntarily dismiss their claim against Defendant PHILLIP A. YANEZ, individually and *dba*
21 KARPET-CARVERS. Defendant has neither served an answer nor moved for summary
22 judgment, and Plaintiffs have not previously filed or dismissed any similar action against
23 Defendant.

24 On March 19, 2009, Plaintiffs filed their Notice of Automatic Stay due to Defendant's
25 bankruptcy filing. Defendant was recently discharged on June 9, 2009.

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1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 25th day of June, 2009, at San Francisco, California.

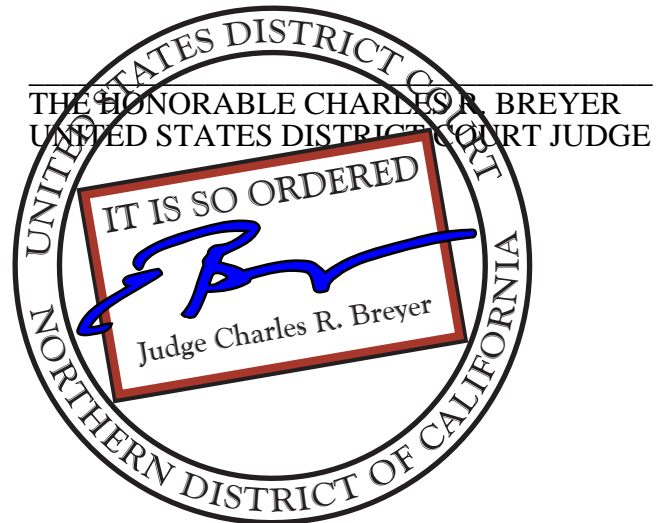
4 SALTZMAN & JOHNSON
5 LAW CORPORATION

6 By: _____/s/_____
7 Muriel B. Kaplan
8 Attorneys for Plaintiffs
9
10

11 IT IS SO ORDERED.

12 This case is dismissed and the Court shall retain jurisdiction over this matter.
13

14 Date: June 30, 2009 _____



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On June 25, 2009, I served the following document(s):

NOTICE OF VOLUNTARY DISMISSAL

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Phillip A. Yanez, individually and
dba Karpet-Carvers
1932 Deodar Avenue
Antioch, California 94509**

**Steven L. Jacobs, Esq.
Law Offices of Steven L. Jacobs
14895 E 14th Street, #390
San Leandro, CA 94578**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 25th day of June, 2009, at San Francisco, California.

_____/s/_____
Qui X. Lu